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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,286	04/02/2004	Giuseppe Monti	377/9-1935	2312

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EXAMINER

DEUBLE, MARK A

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/817,286

Applicant(s)

MONTI, GIUSEPPE

Examiner

Mark A. Deuble

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the working means of claim 2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5-11 and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Holdensgaard et al. (U.S. Patent No. 5,359,834).

Holdensgaard et al. shows an apparatus which could be used for connecting a line for conveying articles with a feeding line having a different pitch. As illustrated in Fig 3, the conveying line is fed upstream of a feeding line 10 of a packing line here the articles are transferred into cartons that would be sealed by a boxing machine situated in cascade thereto. The apparatus includes a plurality of carriages 6 each supporting a seat 8 for receiving at least one article. The seats are removably attached to the carriages 6 by a fastening means not shown (col. 3, ln. 35-40). A pair of endless and substantially parallel side-by-side conveying chains 2 have a plurality of pins 4 which engage with corresponding recesses on both sides of the carriages to firmly pull the carriages along a forward path of movement with a specified first spacing distance. While the driving means for the chain are not shown, the driving means would inherently include driving and driven wheels located at the end of the chain path. The carriages and chains are supported and guided between support walls formed by the sides of the apparatus illustrated in Fig. 1. The support walls support rails 7 forming longitudinal flat projections that engage freely with corresponding notches 30 made laterally on the carriages to guide the carriages longitudinally and crosswise. The support walls also support a groove formed by member 36 that receives the chain firmly and guides the chain longitudinally and transversely in such a way as to make the pins 4 engage with the recesses of the carriages in a first area and to make the pins disengage from the recesses of the carriages in a second area. A means for driving the carriages in a forward direction in the second area of the apparatus is provided by a worm screw 12 arranged longitudinally with respect to the forward movement direction and centrally with respect to the carriages so that it may be operated in phase relation with the chains so as to move the carriages continuously during their transition between the first and second areas. The

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screw has a groove 14 with a pitch that varies gradually between the first spacing distance in the transition sections between the first area and the second area to a pitch with a second spacing distance that is different from the first that could be substantially equal to a pitch of a feeding line. Pins 16 provide a mutual removable coupling between the carriages and the screw. Thus Holdensgaard et al. shows all the structure required by claims 1, 3, 5-11 and 13-14.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holdensgaard et al. in view of Hoehn (U.S. Patent No. 4,615,274).

Holdensgaard et al. shows generally all that is required by the claims except for the rollers forming part of the mutual coupling means required by claim 4. However, Hoehn teaches that rollers 90 mounted on the bottom of a carriage 58 may advantageously be used to couple the carriage to a worm screw 24 with a minimum of friction. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to provide such rollers on the pins 16 of Holdensgaard et al. When this is done Holdensgaard et al. would show all the structure required by claim 4.

In regard to claim 2, it is noted that the working means for transferring articles to a feeding line 10 of Holdensgaard et al. transfers the articles in a region that does not correspond to the second area and the worm screw. However, as is pointed out on page 7 of the present

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application that such working means are widely known to one of ordinary skill in the art.

Furthermore, Holdensgaard et al. suggests that differing distances between the seats 8 may be advantageous depending on the articles being conveyed (col. 20-25) and it teaches that the worm screw provides a means of varying the spacing between the carriages that could advantageously be used at an unloading point as well as a loading point. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to provide such a working means in the apparatus of Holdensgaard et al.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holdensgaard et al. in view of Abbestam et al. (U.S. Patent No. 5,000,311) or Mitchell (U.S. Patent No. 6,321,904).

Holdensgaard et al. shows generally all that is required by the claims except for the dovetail joint for removably connecting the seats to the carriages. However, both Abbestam et al. and Mitchell teach that dovetail joints 36/9 may advantageously be used to connect an article seat to a carriage part so that they can be removed transversely with respect to the forward movement direction of the seats. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use such dovetail joints to removably connect the seats to the carriages in the apparatus of Holdensgaard et al. When this is done the resulting apparatus would have all the structure required by the present invention.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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The prior art cited but not discussed above show conveyors having carriages and seats that are driven in a fashion similar to that of the present invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Deuble whose telephone number is (703) 305-9734. The examiner can normally be reached on Monday through Friday except for alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D Lillis can be reached on (703)308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

md

  
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